

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 23-90001

CHRISTOPHER AABY, ET AL.,

Plaintiffs-Respondents,

versus

3M COMPANY,

Defendant-Petitioner.

JOINT MOTION TO HOLD PETITION IN ABEYANCE

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rule 26.1-1, counsel for Defendant-Petitioner 3M Company hereby certifies that the Fourth Amended CIP filed concurrently with this filing includes a complete list of the trial judge(s), all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the cases on appeal, including subsidiaries, conglomerates, affiliates, and parent corporations, including any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party:

Defendant-Petitioner 3M Company states that it is a corporation whose shares are publicly traded (NYSE: **MMM**). 3M Company does not have a parent corporation and no publicly held corporation owns 10% or more of 3M's stock.

Respectfully submitted,

s/Paul D. Clement

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January 12, 2024

JOINT MOTION TO HOLD PETITION IN ABEYANCE

The parties in the above-captioned matter jointly move the Court to continue to hold the petition for interlocutory review in abeyance. On August 29, 2023, lead counsel for Plaintiffs and Defendants in the *In re 3M Combat Arms Earplugs* MDL entered into a Master Settlement Agreement. *See* Case No. 3:19-md-2885, ECF 3809-1 (N.D. Fla. Aug. 29, 2023) (filed under seal). On September 1, 2023, the parties jointly requested that the petition be held in abeyance. *See* Case No. 23-90001 (11th Cir.), Dkt. 15 (“Joint Motion to Hold Petition In Abeyance”). On September 7, this Court granted that motion and entered a stay set to expire after 60 days unless the Court took further action. *See* Dkt. 16. Thereafter, on November 6, 2023, the parties jointly requested that the petition be held in abeyance. Dkt. 18. On November 15, 2023, this Court granted that motion and issued a stay set to expire after 60 days unless the Court took further action. Dkt. 19.

Accordingly, the parties respectfully request that the Court continue to hold the petition in abeyance. The settlement process remains ongoing, and the settlement agreement may obviate any need for this Court to resolve this petition. Additionally, the parties respectfully submit that continuing the stay of this petition will facilitate the settlement process. For all those reasons, the parties respectfully ask that this Court continue its stay of this petition. In due course, the parties will move the Court either to dismiss the petition or lift the stay.

Respectfully submitted,

s/Michael A. Sacchet

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**CERTIFICATE OF COMPLIANCE
WITH TYPE-VOLUME LIMITATION**

I hereby certify that:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 256 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point font.

January 12, 2024

s/Paul D. Clement
Paul D. Clement

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Paul D. Clement
Paul D. Clement